

EIGHTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 24, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of Saturday adopted.

Senator Storey, by leave, introduced a bill, entitled: "An Act supplemental to 'An Act making an appropriation of forty thousand dollars to complete the State Agricultural and Mechanical College,' approved June 24, 1876."

Read by caption and referred to Committee on Finance.

Senator Storey, Chairman of Committee on Finance, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance have had under consideration Senate Bill No. 366, "An Act supplemental to 'An Act making an appropriation of forty thousand dollars to complete the State Agricultural and Mechanical College,' approved June 24, 1876," and I am instructed to report the bill back to the Senate, and recommend that the same do pass.

STOREY, *Chairman.*

Senator Ball, by request, offered a joint resolution, "authorizing the Commissioner of the General Land Office to have county maps printed."

Read by caption, and referred to Committee on General Land Office.

Senator Hobby introduced a bill, entitled: "An Act to amend Article 587 of the code of criminal procedure."

Read by caption, and referred to Judiciary Committee No. 2.

President in the chair.

Senator Francis, from the Joint Committee of the two Houses on the management of the Lunatic Asylum, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

The Joint Committee of the two Houses, appointed to inquire into the management of the affairs of the Lunatic Asylum, under the charge of Dr. R. D. Wallace, as Superintendent, respectfully submit the following report of their investigation:

They found the cash transactions of the institution kept in such a manner as to enable them to verify the amounts, as compared with the books at the Comptroller's office, so far as the appropriations for building, made by the Thirteenth Legislature, were to be examined into, but they found that it is the custom at the institution for all sums of money received for private patients of the institution, of which the Comptroller has no notice, and cannot, therefore, keep any account. So, also, in regard to the moneys received from the different counties in payment for the county patients. A part of this money is received directly from the counties, and apart from the Comptroller, under the law of June 15, 1870.

Of that received directly from the counties, the Comptroller has no account; of that received through the Comptroller's office, he has a memorandum; but as the law does not require the Superintendent to account to the Comptroller for the money, the Comptroller does not take any further notice of it.

It will thus be seen that the Superintendent receives a large amount of money, against which there is no check; and for which he is not, under the law, accountable to any one.

We would respectfully call the attention of the Legislature to the fact, in justice to Dr. Wallace and the Board of Managers, that they have suggested a different method of managing the private patients, as well as county funds, to the Governor and members of this Legislature.

We take this opportunity of stating that the Governor has twice in his message called the attention of the Legislature to these matters, and up to this time no action has been had in regard to them.

Your committee would respectfully suggest that a bill has been introduced in the Senate, which, if adopted by the Legislature, will, in the opinion of your committee, cure these defects in this particular.

Notwithstanding the absence of all checks on the Superintendent, as above set forth, we have satisfied ourselves by an examination of the books of the Asylum, that the Superintendent has kept a correct account of all moneys received by him as Superintendent from all sources, and has properly accounted for the same to the managers of the institution.

We found the books of the institution kept in accordance with the system in force at the time the present Superintendent took charge thereof, and although the system is defective, and will, we think, be improved by the change we in the report proposed, yet believe that, by great labor and repeated examinations, the present Superintendent has evolved from the books a correct statement, or nearly so, of the past management of the institution, as shown by his reports of 1874 and 1875.

Your committee made a very close and minute investigation of the private and county patients' accounts, and they believe that the charges for both men's and women's clothing, in many instances, were charged unnecessarily high.

Your committee believe that clothing of every description can be furnished to patients cheaper than charged at the institution. We would recommend to the managers of the institution to make a close estimate of the cost of material and of the making up of the same, and have such goods charged at or as nearly cost as practicable.

Your committee would state, in the article of men's wear, that they found many articles charged much higher than the same could be bought at retail out of the mercantile establishments in the city of Austin. These articles were made up at the institution. They find that the same case prevailed in regard to women's clothing.

We would further state, that the Superintendent claims that he ordered goods furnished to be charged at as nearly cost as practicable, and that if anything is overcharged, it was without his knowledge or consent.

We would further state, that we believe such articles as shirts, drawers, half-hose, shoes, hats, etc., can be furnished to male patients at from 15 to 25 per cent. cheaper than charged at the institution, and they believe the same in regard to female wear.

Your committee would say, in behalf of the Superintendent and his aids, that they sincerely believe that every cent of the moneys collected upon such charges has gone into the general fund for the support of the institution, and that none of it has been misapplied; and that he acted in the matter as he thought for the best interests of the State.

We examined most critically the purchases of staple articles, of both dry goods and provisions, for the institution, since the present Superintendent and Board of Managers went into office, and, after examining every bill, as filed in the office of Comptroller of Public Accounts, with the receipts of the same upon the books of the institution, we find nothing of which to seriously complain.

We found an isolated article occasionally, which we thought unnecessarily high, but, upon close investigation, we find that the Superintendent and Board of Managers could not, at the time, have procured the same article upon much, if any, better terms.

We find, upon examination of goods, bought by the quantity in Galveston, for the institution, cost more to lay them down in Austin than if they had been originally purchased in Austin. We feel that it is our duty to mention these facts in vindication of the Superintendent and Board of Managers in their efforts to procure supplies for the institution upon the most favorable terms for the interest of the State.

We find that the furniture in the rooms of the Superintendent and Assistant Superintendent is rather costly, but it is of the best order and durable.

In the item of live stock, as reported by the Superintendent, we think he was unnecessarily extravagant in the purchase of one pair of horses. Your committee believe that a pair could have been had for much less figures that would have answered all purposes of the costly pair.

In the furnishing of the halls, stairways and wards of the institution with carpeting by the Superintendent, an air of comfort is given, and, we believe, will prove at the same time beneficial to the female patients in deadening the sound from walking, etc. We believe that the article used is the cheapest and best for the institution, being altogether Brussels carpeting, and which we think was purchased at very advantageous prices by the Superintendent.

We find the building clean and in good order. The bedsteads are of the latest and most approved patterns for lunatic asylums, strong and durable, with spiral wire matting, giving the patient an easy and comfortable rest. As a question of economy, we believe the bedsteads are the cheapest, and as a sanitary measure, we believe the Superintendent has acted wisely in procuring them.

The lounges for the female patients are substantial and of good style, and certainly prove most desirable adjuncts to the institution for the comfort of these unfortunate women.

In the item of pictures, as mentioned in the Superintendent's report, of which there are quite a number, and of which complaint has been made, your committee have made careful investigation, and the result is as follows:

They are of the best style of that class of pictures; and while costing a considerable sum of money, the party making the purchase testifies, upon oath, that the charges to the institution admitted but a margin of from 7 to 10 per cent. on original cost in New York, added to the original bill for trouble and use of money; and as to their necessity in a hygienic point of view, we are of the opinion that this was a matter left to the discretion of the Superintendent, and that he feels fully convinced, and is honest and conscientious in the belief, that they are a useful adjunct to the sanitary condition of the institution, and are so applied.

Your committee find that the fare for the patients is well served, and of

a good and wholesome nature; that all are well fed, care being had to suit the appetites of all as nearly as practicable.

We find that the wards are kept in the neatest style; cleanliness being a conspicuous feature.

We feel constrained to say that the Superintendent has made a fair and truthful statement in his report of the disbursements of the moneys, and of the general management of the institution.

We have received the assurance from the Superintendent, and we have no reason to doubt it, that, if the amounts due by the several counties of the State to the institution had been promptly paid, the expenses of the institution, including the expense incurred on the improvements, new building, etc., would not have required the use of more than \$8,000.00 of the appropriation fund.

We find that the Superintendent's report, that the sum of \$4,849.00 of the county and private patients' fund was used upon the new building, to be correct.

Your committee, in order to make a close and unbiased investigation of the management of the institution, caused parties, with books and papers, to be brought before them; and closely examined from invoices of purchase by the merchant to sale of goods by him. We caused parties of whom we had the slightest intimation or hint of having a knowledge of wrong in the management of the institution, to be brought before us; and, in fact, have exhausted every source of information.

Your committee obtained the best information they could in regard to the management of the institution under the former administration, and they confess that it was impracticable to obtain a full knowledge of it.

We find that the cost of keeping up the institution under the present administration, with the increased number of patients, as per report of the present administration, is fully one-half less.

In conclusion, your committee will say that the manner in which the institution is kept, and the improvements made thereon in the past two years, reflect creditably upon the Superintendent and Board of Managers, and we feel that the institution is a credit to the State. Respectfully submitted.

CHAS. D. GRACE, *for Senate Committee.*

E. PERRENOT, *for House Committee.*

The following House Bills were taken up by the President, and referred to appropriate committees:

House Bill No. 364—"An Act to define the duties of persons subject to taxation by the laws of the State, and to fix penalties for the violation of the same."

Referred to Committee on Finance.

House Bill No. 412—"An Act making appropriations for deficiencies for the fiscal year beginning September 1, 1875, and ending August 31, 1876, and previous years."

Referred to Committee on Finance.

House substitute for House Bill No. 77—"An Act to define the duties, powers, rights, qualifications and liabilities of Assessors of Taxes, and to regulate their compensation."

Referred to Committee on Finance.

House substitute for Senate Bill No. 343—"An Act to amend an act entitled, 'An Act for the protection of the wool-growing interest of the State,' approved May 2, 1874."

Referred to Committee on State Affairs.

On motion of Senator McCulloch, the rules were suspended, and Senate Bill No. 366, "An Act supplementary to 'An Act making an appropriation of forty thousand dollars to complete the State Agricultural and Mechanical College at Bryan,'" was taken up and read first time.

On motion of Senator Crain, the rules were still further suspended, to place the bill on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—30.

NAYS—None.

NOT VOTING—Senator Burton—1.

Bill read second time and ordered engrossed.

Senator Storey moved to further suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—31.

NAYS—None.

Bill read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—31.

NAYS—None.

On motion of Senator Crain, the rules were suspended and Senate Bill No. 341, "An Act to exempt the persons and property of Indianola from payment of certain taxes," was taken up, read second time and ordered engrossed.

Senator Crain moved to still further suspend the rules and place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Brown, Burton, Carroll, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Smith, Storey, Terrell, Thompson, Wortham—26.

NAYS—None.

NOT VOTING—Senators Blassingame, Brady, Crain, Piner, Stephens—5.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Brady, Brown, Burton, Carroll, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson, Wortham—28.

NAYS—None.

NOT VOTING—Senators Blassingame, Crain, Stephens—3.

Senate Bill No. 262, "An Act to reserve from location, in the event of forfeiture, the public domain now reserved for the benefit of railroads and railroad companies," being the unfinished business, was taken up.

Senator Crain withdrew his amendment.

Senator Ball withdrew his amendment.

Senator Ball offered the following amendment:

In Section 1, line 3, after the word "declared," insert the word, "then." In same line, strike out the word, "be," and insert the words, "have been," after the word, "to."

Adopted.

Senator Crain offered the following amendment, to come at the end of Section 1:

"*Provided*, that no rights of any such railroad company to such reservation shall be in any manner impaired until a forfeiture has been judicially declared thereon."

Adopted, by the following vote:

YEAS—Senators Ball, Brady, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Ripetoe—19.

NAYS—Senators Burton, McLeary, McCormick, McCulloch, Motley, Smith, Stephens, Storey, Terrell, Thompson, Wortham—11.

NOT VOTING—Senator Blassingame—1.

Senator Grace offered the following amendment:

Amend by inserting after the word, "location," in line 5, the words, "except of the three millions of acres of land reserved for constructing a new State Capitol and other public buildings."

Senator Douglass moved the previous question on the amendment and the engrossment of the bill.

The question was seconded and the main question ordered.

Adopted, by the following vote:

YEAS—Senators Brown, Burton, Carroll, Crain, Edwards, Francis, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Ripetoe, Stephens, Storey, Thompson—16.

NAYS—Senators Ball, Blassingame, Brady, Douglass, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Smith, Terrell, Wortham—15.

The bill was then orderd engrossed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Carroll, Crain, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Ripetoe, Storey, Wortham—20.

NAYS—Senators Brady, Burton, Douglass, McLeary, McCormick, McCulloch, Motley, Smith, Stephens, Terrell, Thompson—11.

Senators McLeary, Smith, and Terrell gave notice of protest.

Senator Hobby moved to postpone the special orders and take up Senate Bill No. 303, "An Act for the relief of railroads and other internal improvement companies of Texas."

Senator Storey moved a call of the Senate, which was sustained.

Roll called.

ABSENT—None.

The special orders were postponed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—16.

NAYS—Senators Burton, Carroll, Crain, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—15.

The motion to take up Senate Bill No. 303, "For the relief of railroads," etc., was lost by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—16.

NAYS—Senators Burton, Carroll, Crain, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—15.

Senator McLeary moved to suspend the call.

Lost.

Senator Wortham, from the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills, have carefully examined, compared and found correctly engrossed, Senate Bill No. —, "An Act supplemental to an act entitled, 'An Act making an appropriation of forty thousand dollars to complete and furnish the State Agricultural and Mechanical College,' " approved June 24, 1876.

WORTHAM, *for Committee.*

A message was received from the House, announcing the passage by that body of the following bills and joint resolutions:

Senate Bill No. 98—"An Act to provide annual pensions for the surviving soldiers of the Texan Revolution, and the surviving signers of the Declaration of Texan Independence, and the surviving widows of such soldiers and signers."

House Bill No. 24—"An Act defining what money and property is subject to taxation or exemption and the mode of listing the same."

House Joint Resolution No. 418—"To grant temporary possession to James Murphy of lots Nos. 4, 5 and 6, in block No. 158, in the city of Austin."

House Joint Resolution No. 281—"To grant limited use of a certain tract or lot of land in the city of Austin, to the Methodist Episcopal Church, South, of said city.

Senators Wortham and Grace were granted leave for a short time to attend a meeting of the Enrollment Committee.

Senator Crain moved to suspend the call.

Lost.

Senator Hobby moved to postpone bills on second reading.

Senator Storey moved the reading of the captions of bills on second reading.

Senator Hobby moved to dispense with the reading.

Senator Storey made the point of order, that he had a right to call for the reading of captions.

Senator Edwards raised the point of order, that if the reading is objected to that a vote is required without debate.

The President ruled that a Senator had a right to request the reading of any paper presented for his action, but if the reading be objected to, that the Senate must decide the matter by a majority vote.

Senator Smith raised the point of order, that a two-third vote was necessary to suspend the rules, and appealed from the decision of the Chair.

The Chair was sustained by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Motley, Piner, Ripetoe, Wortham—20.

NAYS—Senators Burton, Carroll, Ford, McLeary, McCormick, McCulloch, Smith, Stephens, Storey, Terrell, Thompson—11.

Senator Hobby's motion to dispense with the reading of the captions was lost by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—15.

NAYS—Senators Brown, Burton, Carroll, Crain, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—16.

The President, after reading their captions, signed the following bills:

Senate Bill No. 64—"An Act to validate certificates of acknowledgments of married women to deeds of conveyance, letters of attorney, and other written instruments."

Senate Bill No. 67—"An Act to amend an act entitled, 'An Act regulating contested elections,' approved May 8, 1873.

Senate Bill No. 323—"An Act to transfer certain suits pending in the courts of the counties of this State, out of which new counties have been created, to new counties so created."

Senator Crain moved to suspend the call of the Senate.

Lost.

Captions of bills on second reading were read.

Senator Crain moved to suspend the call.

Lost.

Senator McLeary moved to suspend the call.

Lost.

Senator Crain moved to suspend the call.

Lost.

The President decided the call suspended.

Senator Douglass moved a call of the Senate.

Call ordered.

Roll called.

ABSENT—Senator Crain—1.

The reading of the captions of bills on second reading continued.

Pending the motion of Senator Hobby to postpone bills on second reading, Senator Smith raised the following point of order:

"I make the following point of order: That Rule No. 13 gives bills on second reading precedence of bills on third reading. Rule 66, subdivision 10, says: 'Order of business shall not be postponed or changed without a two-thirds vote, and it requires a two-thirds vote to postpone in a body, all bills on second reading, and giving precedence to bills on third reading.'"

"In reference to the point of order made by the Senator, the Chair holds:

"That Rule 13 gives all bills on their second reading precedence of bills on their third reading. The Chair also holds that Rule 66, subdivision 10, provides that the 'order of business shall not be postponed or changed without a two-thirds vote.'

"So far, the Chair sustains the point of order made; but the Chair can not sustain the latter portion of the point of order raised by the Senator.

The Senator contends that 'a two-thirds vote is required to postpone all bills on their second reading,' etc. I hold that (as is admitted by the Senator who raises the point of order) a mere majority vote always postpones any bill which has been reached on the calendar. The bills on their second reading are at this moment the 'regular order of business,' all other orders having been disposed of preceding these bills on their second reading. The motion to postpone does not, in the opinion of the Chair, propose to 'change or postpone' the order of business, but is a motion to postpone the business itself. If this Senate can, as admitted by the Senator, postpone any one of the bills now on their second reading by a majority vote, the Chair holds that the same rule will apply to a motion to 'postpone' all the bills. This is the rule in Congress (see Barclay's and Cushing's Digests) which not only allows general orders, but also special orders, to be postponed by a majority vote.

"It requires a two-thirds vote to make a special order, yet a majority vote always postpones a special order.

Such has been the ruling heretofore of my predecessors in office, as in the House of Representatives.

"With great respect for, and deference to, the Senators who may differ with the Chair, I overrule the last part of the point of order raised, and hold that a majority vote can postpone, on motion, all bills, in a body, which are now regularly reached on their second reading."

Senator Stephens appealed from the decision of the chair.

The decision of the chair was sustained by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Ripetoe, Wortham—19.

NAYS—Senators Carroll, Crain, Ford, McLeary, McCormick, McCulloch, Motley, Smith, Stephens, Storey, Terrell, Thompson—12.

Senator Smith moved a division of the question, and that each bill be taken up and postponed separately.

Senator Edwards moved the previous question on the motion of Senator Smith, and also on Senator Hobby's motion to postpone.

Seconded, and the main question ordered by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Moore, Piner, Ripetoe, Wortham—16.

NAYS—Senators Burton, Carroll, Crain, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Smith, Stephens, Storey, Terrell, Thompson—14.

NOT VOTING—Senator Martin—1.

Senator Smith's motion was lost by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, McLeary, McCormick, McCulloch, Motley, Smith, Stephens, Storey, Terrell, Thompson—13.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Ripetoe, Wortham—18.

Senator Hobby's motion to postpone all bills on the second reading, was carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—17.

NAYS—Senators Burton, Carroll, Crain, Ford, McLeary, McCormick,

McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—14.

A message was received from the House announcing the passage by that body of the following bills:

House Bill No. 420—"An Act to declare the time when the Sixteenth and succeeding Legislatures of the State of Texas shall assemble."

House Bill No. 186—"An Act to amend an act, entitled, 'An Act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858."

House Bill No. 414—"An Act to provide for the manner of filling vacancies in the office of District or County Clerks in such counties as have elected but one Clerk, and to validate their acts."

Bills on third reading were taken up.

Senate Bill No. 11, "An Act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas," was taken up, with House amendments, and read.

Senator McLeary moved that the Senate do not concur in the amendments of the House.

Senator Piner moved the previous question on the motion.

Seconded, and the main question ordered by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Moore, Piner, Ripetoe, Storey, Terrell, Thompson, Wortham—20.

NAYS—Senators Burton, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Smith, Stephens—9.

NOT VOTING—Senators Crain, Martin—2.

Senator McLeary's motion, that the Senate do not concur, was lost.

Senator Piner moved that the Senate concur in House amendments. Carried.

Senator Grace, Chairman Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, Senate Bill, No. 223, "An Act to transfer certain suits pending in the courts of the counties of this State, out of which new counties have been created, to the new counties so created;" also, Senate Bill No. 67, "An Act to amend an act entitled, 'An Act regulating contested elections,'" approved May 8, 1873. The same has been properly signed and presented to the Governor, this day, at 11:15 o'clock A. M., for his approval.

GRACE, *Chairman.*

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate Bill No. 275, "An Act to encourage the construction of railroads in Texas by donations of land," and find the same correctly engrossed.

STEPHENS, *Chairman.*

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, com-

pared and found correctly enrolled, Senate Bill No. 64, entitled: "An Act to validate certificates of acknowledgment of married women to deeds of conveyance, letters of attorney, and other written instruments." The same has been properly signed and presented to the Governor, this day, at 11:15 o'clock A. M., for his approval.

GRACE, *Chairman*.

Senator Storey, Chairman of Committee on Finance, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred Senate Bill No. 365, "An Act making an appropriation to defray the contingent expenses of the first session of the Fifteenth Legislature," have had the same under consideration, and report it back to the Senate, with the recommendation that it do pass.

STOREY, *Chairman*.

Senator Brown, from Committee on Retrenchment and Reform, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Retrenchment and Reform, to whom was referred joint resolution, "Relating to adjournment of the Fifteenth Legislature," have had the same under consideration, and a majority of the committee instruct me to report, as a substitute, the accompanying joint resolution, and recommend its passage.

BROWN, *Chairman*.

Resolved, by the Senate of the State of Texas, the House of Representatives concurring: First—That the resolution fixing the adjournment of the Fifteenth Legislature on the 31st of July, 1876, be, and the same is hereby rescinded.

Second—That the Legislature do adjourn, *sine die*, on Tuesday, the 15th day of August, A. D. 1876, at 12 o'clock M.

Senator Storey, from Judiciary Committee No. 1, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 86, together with the Governor's veto message therein, entitled, "An Act to define the duties of County Attorneys, and regulate the performance of the same," have had the same under consideration, and instruct me to report the accompanying bill, to-wit: "An Act to define the duties of County Attorneys and regulate the performance of the same," and recommend that the same do pass.

STOREY, *for Committee*.

Senate Bill No. 102, "An Act to amend Article 393, of 'An Act to adopt and establish a penal code for the State of Texas,'" approved August 28, 1856, was taken up, and, on motion of Senator Crain, was postponed until to-morrow, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Carroll, Douglass, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Piner, Ripeto, Wortham—15.

NAYS—Senators Ford, McCormick, McCulloch, Motley, Smith, Stephens, Storey, Terrell—8.

NOT VOTING—Senators Brown, Burton, Crain, Edwards, Grace, McLeary, Moore, Thompson—8.

Senate Bill No. 112, "An Act to amend 'An Act to adopt a penal code for the State of Texas,'" approved August 28, 1856, was taken up.

Senator Edwards objected to the reading of the bill.

Motion to read the bill lost by the following vote:

YEAS—Senators Ball, Burton, Carroll, Crain, Francis, Ford, Guy, Henry J. R., McLeary, McCormick, Smith, Stephens, Storey, Terrell, Thompson—15.

NAYS—Senators Blassingame, Brown, Douglass, Edwards, Grace, Henry F. M., Hobby, Ledbetter, McCulloch, Moore, Motley, Piner, Ripetoe, Wortham—14.

NOT VOTING—Senators Brady, Martin—2.

Senator Burton moved to adjourn till 4 o'clock this afternoon.

Lost, by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—13.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McLeary, Moore, Piner, Wortham—17.

NOT VOTING—Senator Henry F. M.—1.

Senate Bill No. 112 was then read third time.

Senator Crain moved to adjourn till to-morrow morning at 9 o'clock.

Lost, by the following vote:

YEAS—Senators Burton, Crain, McLeary, McCormick, McCulloch—5.

NAYS—Senators Ball, Blassingame, Brady, Brown, Carroll, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson, Wortham—26.

Senator Edwards moved that the bill be postponed until Wednesday next, and also moved the previous question, which was seconded, and the main question ordered by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—16.

NAYS—Senators Burton, Carroll, Crain, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell—14.

NOT VOTING—Senator Thompson—1.

The bill was then postponed, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Ripetoe, Wortham—16.

NAYS—Senators Burton, Carroll, Crain, Francis, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Smith, Stephens, Storey, Terrell, Thompson—15.

Senator Storey moved that the rules be suspended to take up House Bill No. 420, "An Act to declare the time when the Sixteenth and succeeding Legislatures of the State of Texas shall assemble."

Lost by the following vote (two-thirds being necessary):

YEAS—Senators Burton, Carroll, Crain, Francis, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—16.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—15.

Senator Burton moved to adjourn till this afternoon at 3:59 o'clock.

Lost by the following vote:

YEAS—Senators Brown, Burton, Carroll, Crain, Ford, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell—13.

NAYS—Senators Ball, Blassingame, Brady, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McLeary, Moore, Piner, Thompson, Wortham—17.

NOT VOTING—Senator Douglass—1.

Senate Bill No. 113, "An Act to authorize the Commissioner of the General Land Office to have the general indices of said office transcribed," was taken up and read third time.

Senator Ball moved the previous question on the passage of the bill.

Seconded, and the main question ordered by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Motley, Piner, Ripetoe, Wortham—21.

NAYS—Senators Burton, Carroll, McLeary, McCormick, McCulloch, Smith, Stephens, Storey, Terrell, Thompson—10.

The reading of the bill was called for.

Senator Piner objected, and the Senate decided not to read, by the following vote:

YEAS—Senators Burton, Crain, Francis, Ford, Martin, McLeary, McCormick, McCulloch, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—14.

NAYS—Senators Ball, Blassingame, Brady, Brown, Carroll, Douglass, Edwards, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Moore, Motley, Piner, Wortham—17.

The bill then passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Wortham—25.

NAYS—Senators Henry F. M., Storey, Terrell, Thompson—4.

NOT VOTING—Senators Burton, Crain—2.

Senator McLeary moved to adjourn until 8:55 A. M., to-morrow.

Lost by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, McLeary, McCormick, McCulloch, Motley, Smith, Stephens, Storey, Terrell—12.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Ripetoe, Thompson, Wortham—19.

Senate Bill No. 114, "An Act to authorize District Judges to remove county officers," was taken up.

Senator Douglass moved to postpone until Wednesday next.

Senator Crain moved that the Senate adjourn till this afternoon at 4 o'clock.

Lost by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—14.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—17.

Senator Douglass moved the previous question on motion to postpone.

The reading of the bill was called for and the Senate decided to read the bill by the following vote:

YEAS—Senators Brown, Burton, Carroll, Crain, Francis, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—17.

NAYS—Senators Ball, Blassingame, Brady, Douglass, Edwards, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—14.

The bill was then read the third time.

The main question was then ordered by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—17.

NAYS—Senators Burton, Carroll, Crain, Ford, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—14.

The bill was then postponed to Wednesday next, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—16.

NAYS—Senators Burton, Carroll, Crain, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—15.

Senator Smith moved to adjourn until 4:30 o'clock this afternoon.

Lost, by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—14.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—17.

Senate Bill No. 115, "An Act to amend Section 2 of an act entitled, 'An Act prescribing the mode of service in certain cases,' approved March 15, 1875," was taken up.

Senator McLeary moved to adjourn till 8 o'clock this evening.

Lost, by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, Grace, McLeary, McCormick, McCulloch, Smith, Stephens, Storey, Terrell, Thompson—13.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Ripetoe, Wortham—17.

NOT VOTING—Senator Motley—1.

Senator Piner moved the previous question.

Senator Smith moved to adjourn till 8 o'clock to-night.

Lost, by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, Grace, McLeary, McCormick, McCulloch, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—14.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—16.

NOT VOTING—Senator Motley—1.

Roll called.

ABSENT—Senator Motley—1.

Pending the call, Senate Bill No. 115 went to the table.

Senate Bill No. 164, "An Act to amend Article 436 and to repeal Article 440 of an act entitled, 'An Act to adopt and establish a code of criminal procedure,'" approved August 26, 1856, was taken up and read third time.

The previous question was ordered on the passage of the bill.

Seconded, and the main question ordered by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Motley, Piner, Ripetoe, Wortham—22.

NAYS—Senators Burton, McLeary, McCormick, McCulloch, Smith, Stephens, Storey, Terrell, Thompson—9.

Bill passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Smith, Stephens, Storey, Terrell, Thompson, Wortham—25.

NAYS—Senators Ford, Henry F. M., McLeary, Motley, Ripetoe—5.

Senator Motley appeared and Senate was announced full.

Senate Bill No. 115—"An Act to amend Section 2, of an act entitled, 'An Act prescribing the mode of service in certain cases,'" approved March 15, 1875, was taken up, and read third time.

Senator Smith moved to adjourn to 8:15, this evening.

Lost by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—14.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—17.

The previous question was moved by Senator Hobby, on the passage of the bill.

Seconded.

Main question ordered.

The bill then passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Moore, Piner, Ripetoe, Smith, Stephens, Terrell, Thompson, Wortham—22.

NAYS—Senators Burton, Crain, Ford, McLeary, McCulloch, Motley, Storey—7.

NOT VOTING—Senators Martin, McCormick—2.

Senator Burton moved to adjourn until 8:35 A. M. to-morrow.

Lost by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—14.

NAYS—Senators Blassingame, Brady, Brown, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—17.

Senator Crain moved to adjourn until 4:40 o'clock this evening.

Lost, by the following vote:

YEAS—Senators Burton, Carroll, Crain, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—14.

NAYS—Senators Ball, Blassingame, Brown, Douglass, Edwards, Francis, Grace, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—16.

NOT VOTING—Senator Guy—1.

Senate Bill No 224, "An Act to punish drunkenness," was taken up and read third time.

Senator Edwards moved the previous question on passage of the bill.

Seconded, and the main question ordered by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Motley, Piner, Ripetoe, Smith, Wortham—19.

NAYS—Senators Burton, Crain, Ford, Grace, McLeary, McCormick, McCulloch, Stephens, Storey, Terrell, Thompson—11.

Bill passed, by the following vote:

YEAS—Senators Blassingame, Brady, Douglass, Edwards, Francis, Guy, Henry F. M., Hobby, McCormick, Motley, Piner, Ripetoe, Smith, Stephens, Thompson—16.

NAYS—Senators Ball, Brown, Burton, Carroll, Crain, Ford, Grace, Henry J. R., Ledbetter, Martin, McLeary, Moore, Storey, Terrell, Wortham—15.

Senator McLeary moved to adjourn till to-morrow at 9 o'clock.

Lost by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—14.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—17.

Senate Bill No. 285, "An Act to fix the times for holding the terms of the District Court for the Seventeenth Judicial District, including the county of McCulloch," was taken up, the pending question being the concurrence by the Senate in an amendment by the House.

Senator Brady moved that the bill be postponed until Thursday at 11 o'clock A. M.; and also moved the previous question.

Senator Smith in the chair.

The main question was seconded and ordered by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Douglass, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—16.

NAYS—Senators Burton, Carroll, Crain, Ford, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Thompson—13.

NOT VOTING—Senators Edwards, Terrell—2.

The President in the chair.

Senator Brady's motion to postpone was lost by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Guy, Henry F. M., Hobby, Ledbetter, Martin, Piner, Storey, Wortham—14.

NAYS—Senators Burton, Carroll, Crain, Francis, Ford, Grace, Henry J. R., McLeary, McCormick, McCulloch, Moore, Motley, Ripetoe, Smith, Stephens, Terrell, Thompson—17.

Senator Piner moved the previous question.

Seconded.

Main question ordered by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Motley, Piner, Ripetoe, Storey, Wortham—21.

NAYS—Senators Crain, McLeary, McCormick, Smith, Stephens, Terrell, Thompson—7.

NOT VOTING—Senators Burton, Ford, McCulloch—3.

The amendments of the House were then concurred in.

Senate Bill No. 299, "An Act to provide for the detection and conviction of all forgers of land titles," was taken up, the pending question being an amendment of the House.

Senator McLeary moved to adjourn until to-morrow morning at 9 o'clock.

Lost by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—15.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—16.

Senator Edwards moved the previous question.

Carried, and the House amendments to the bill concurred in.

Senate Bill No. 179, "An Act to encourage irrigation and navigation," was taken up.

Senator Piner moved to postpone the bill till Wednesday next.

Senator Edwards moved a call of the Senate.

Seconded.

Roll called.

ABSENT—Senators Burton, McLeary, McCulloch, Motley, Smith—5.

Pending the call, bill went to the table.

Senator Storey moved to adjourn until 5 o'clock this evening.

Lost by the following vote:

YEAS—Senators Carroll, Crain, Ford, Grace, McCormick, Ripetoe, Stephens, Storey, Terrell, Thompson—10.

NAYS—Senators Ball, Blassingame, Brown, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Piner, Wortham—14.

NOT VOTING—Senators Brady, Burton, McLeary, McCulloch, Moore, Motley, Smith—7.

Senate Bill No. 216, "An Act to establish and provide for the support and maintenance of an efficient system of public free schools," was taken up.

Senator Hobby moved to postpone the bill until Thursday next, at 10 o'clock A. M.

The reading called for.

Motion to read the bill lost by the following vote:

YEAS—Senators Burton, Carroll, Crain, Ford, Grace, McCormick, Ripetoe, Stephens, Storey, Terrell, Thompson—11.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—16.

NOT VOTING—Senators McLeary, McCulloch, Motley, Smith—4.

Senator Hobby moved the previous question on the postponement of the bill.

Seconded, and the main question ordered by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Douglass, Edwards, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—14.

NAYS—Senators Brown, Francis, Grace, Ripetoe—4.

Senator McCormick was excused from voting by the Senate.

The following Senators declined to vote:

Senators Terrell Crain, Smith, Thompson, Burton, Stephens—6.

Senator Terrell stated as his reason for not voting, that the postponement of the school bill might prevent its passage, and it was one of the bills required to be passed by the Constitution, and is a very important matter to the whole country.

NOT VOTING—Senators Carroll, Ford, McLeary, McCulloch, Motley, Storey—6.

No quorum voting.

Senator Hobby moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senators Burton, Carroll, McCormick, McCulloch, Stephens, Storey, Terrell—7.

Senator Douglass moved to excuse all not voting.

Senator Smith moved a call of the Senate on Senator Douglass' motion.

Call sustained.

Roll called.

ABSENT—Senators McCulloch, Terrell, Thompson.

Senator Douglass moved that the vote on the postponement of Senate Bill No. 216, "The school bill," shall note those not voting.

The President held if there is not a quorum voting the bill is not postponed.

Senator Brady moved that all the Senators present and not voting be held to be in contempt of the rules of the Senate.

Senator McLeary moved to lay the motion on the table.

Lost by the following vote:

YEAS—Senators Brown, McLeary, McCormick, Motley, Ripetoe—5.

NAYS—Senators Ball, Blassingame, Brady, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—16.

Senator McLeary moved to adjourn until 9 o'clock to-morrow morning.

Lost by the following vote.

YEAS—Senators Burton, Carroll, Crain, Ford, Grace, McLeary, McCormick, McCulloch, Motley, Ripetoe, Smith, Storey, Terrell—13.

NAYS—Senators Ball, Blassingame, Brady, Brown, Douglass, Edwards, Francis, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, Moore, Piner, Wortham—16.

NOT VOTING—Senators Stephens, Thompson—2.

Senate Bill No. 303, "An Act for the relief of railroads and other works of internal improvements in Texas," was taken up.

Senator Storey moved a call of the Senate.

On motion of Senator Piner, the Senate adjourned until to-morrow at 9 o'clock A. M.

EIGHTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, July 25, 1876. }

Senate met pursuant to adjournment. President in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

The President gave notice that he would add additional reasons for his ruling on yesterday in overruling the point of order made by Senator Smith.

Senator Brady withdrew his motion of yesterday placing Senators in contempt.

The President, after reading their captions, signed the following bills:

House Bill No. 196—"An Act to provide for the publication of certain decisions of the Court of Appeals."

House Bill No. 239—"An Act to incorporate the city of Galveston and to grant a new charter."

Senator Hobby, Chairman of Judiciary Committee No. 1, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Bill No. 233, "An Act prescribing the times of holding the District Courts in the Second Judicial District," have considered the same, and a majority of the committee have instructed me to report the bill back and recommend its passage.

HOBBY, *Chairman.*

Senator Edwards, from Judiciary Committee No. 1, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

A majority of your Judiciary Committee No. 1 instruct me to report back Senate Bill No. 317, "An Act to incorporate the Union Protection and Friendship Society of Galveston," and recommend that the same do pass, with the accompanying amendment:

"SEC. 9. That the necessity of organizing said society at once creates a public necessity and emergency that requires, and it is hereby declared, that this act take effect from and after its passage."

EDWARDS, *for Committee.*

Senator Storey, from Judiciary Committee No. 1, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 362, "An Act to define the duties of County Attorneys," have had the same under consideration, and have instructed me to report it back to the Senate and recommend its passage.

STOREY, *for Committee.*

The President took up the following House Bills, and referred them to appropriate committees:

House Bill No. 24—"An Act defining what money and property is